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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERTO PERELMAN and SCOTT E. PETERSEN

Appeal 2009-011088
Application 10/006,260
Technology Center 2400

Before JOSEPH F. RUGGIERO, ROBERT E. NAPPI, and CARLA M. KRIVAK, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the rejection of claims 1 through 40.

We reverse.

INVENTION

The invention is directed to a method of client side modification of documents. See Specification 5. Claim 1 is representative of the invention and reproduced below:

1. A machine-implemented method of modifying an electronic document, the method comprising:

receiving a request from a client;

producing data corresponding to the client request;

generating instructions to modify an electronic document having a predetermined format that defines an appearance of the electronic document independent of a device used to present the electronic document, the generated instructions specifying one or more operations to modify the electronic document's predetermined final format at the client to accommodate the produced data, the generated instructions to be performed at the client to effect the one or more operations; and

transmitting the produced data and the generated instructions to the client.

REFERENCE

D'Arlach et al.	US 6,026,433	Feb. 15, 2000
Szabao	US 6,868,525	Mar. 15, 2005
Dilworth et al.	WO 00/51018	Aug. 31, 2000

REJECTIONS AT ISSUE

The Examiner has rejected claims 1 through 40 under 35 U.S.C. § 103(a) as being unpatentable over D'Arlach in view of Szabo. Answer 3-10.¹

The Examiner has rejected claims 1 through 40 under 35 U.S.C. § 103(a) as being unpatentable over D'Arlach in view of Dilworth. Answer 10-16.

ISSUES

Rejection based upon D'Arlach in view of Szabo

Appellants' contentions, on pages 9 and 10 of the Brief, and pages 2 and 3 of the Reply Brief present us with the issue: did the Examiner err in finding D'Arlach teaches generating instructions to modify an electronic document where the instructions are transmitted to the client and specifying modifications to be performed at the client?²³

Rejection based upon D'Arlach in view of Dilworth

Appellants' arguments on page 15 of the Brief directed to the rejection of D'Arlach in view of Dilworth present the same issue with respect to the rejection based upon D'Arlach in view of Szabo.

¹ Throughout this opinion we refer to the Examiner's Answer mailed on April 10, 2006.

² Throughout this opinion we refer to the Appeal Brief dated January 3, 2006.

³ We note that Appellants' arguments present additional issues, however as this issue is dispositive of the appeal we do not reach the other issues presented.

ANALYSIS

The Examiner finds that D’Arlach teaches a template of a web page with editable objects or elements, the user edits the template and sends it to a server. The CGI program makes the changes then sends it to a server for display and the server sends the updated web page to a client. Answer 18. The Examiner further states that “[w]hen the server passes on the updated page to the client to be displayed, the page at the user is implicitly being replaced with this updated/new page therefore there is a change that occurs at the client.” Answer 18. While we find no error in the findings by the Examiner, we do not consider this to meet the independent claims.⁴

Independent claim 1 recites that instructions are generated to modify an electronic document, the instructions specify operations to be performed on the document at the client, and that the generated instructions are transmitted to the client. Independent claims 24 and 32 recite similar limitations. Independent claim 16 recites obtaining a document in a predetermined format; receiving from a server, instructions to modify an electronic document; and modifying the electronic document in accordance with the instructions. Thus, all of the independent claims recite receiving instructions from the server to modify the document and modifying the electronic document based upon the instructions.

The Examiner’s findings show that D’Arlach teaches the document is modified at the server and transmitted to the client; not the client modifying the document based upon instructions received from the server. Thus, Appellants’ arguments have persuaded us of error in the Examiner’s finding

⁴ We note Appellants’ description of D’Arlach is similar to the Examiner’s findings.

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that D'Arlach teaches generating instructions to modify an electronic document, where the instructions are transmitted to the client, and specifying modifications to be performed at the client. We will not sustain the Examiner obviousness rejections which rely upon this finding.⁵

CONCLUSION

Appellants have persuaded us of error in the Examiner's decision rejecting claims 1 through 40.

ORDER

The decision of the Examiner rejecting claims 1 through 40 is reversed.

REVERSED

⁵ The Examiner has not shown that the disclosures of the secondary references, Szabo or Dilworth, teach or suggest modifying this teaching of D'Arlach.